Paper No.__

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SIEMENS MOBILITY, INC., GROUND TRANSPORTATION SYSTEMS USA, INC., HUMATICS CORP., and PIPER NETWORKS, INC.,
Petitioners,

v.

METROM RAIL, LLC,
Patent Owner.

_____

Case No. IPR2023-00468
Patent No. 9,043,131

_____

PETITIONERS' UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF NICOLE S. CUNNINGHAM

I. STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c) and Paper No. 6, Petitioners respectfully requests that the Board admit Nicole S. Cunningham *pro hac vice* in this proceeding, IPR2023-00468. Petitioners are concurrently seeking admission of Ms. Cunningham *pro hac vice* in related proceeding IPR2023-00470. Patent Owner has been consulted and has indicated it does not object to Ms. Cunningham being admitted *pro hac vice* in this proceeding.

II. TIME FOR FILING

This Motion for *Pro Hac Vice* Admission is being filed more than twenty-one (21) days after service of the Petition, as required by the Order Authorizing Motion for *Pro Hac Vice* Admission referenced in the Notice of Filing Date entered on January 26, 2023.

III. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL *PRO HAC VICE* DURING THE PROCEEDING

37 C.F.R. § 42.10(c) provides:

> The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon a showing that counsel is

an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

The facts here establish good cause for the Board to recognize Ms. Cunningham *pro hac vice* in this proceeding.

First, as set forth in her declaration (Ex. 1049), Ms. Cunningham has an established familiarity with the subject matter at issue in these proceedings. She has worked on preparing and reviewing the materials submitted in this proceeding.

Second, Ms. Cunningham has extensive patent litigation experience and is expected to use her experience to support Lead Counsel during the proceeding, including during depositions. Good cause exists to have Petitioners appoint as counsel Ms. Cunningham as a litigator to assist Lead Counsel.

Furthermore, as set forth in her declaration, Ms. Cunningham can attest to all of the representations set forth in part 2(b) of Paper No. 7 from *Unified Patents v. Parallel Iron*, Case IPR2013-00639 (PTAB Oct. 15, 2013).

IV. CONCLUSION

For the foregoing reasons, Petitioners respectfully requests that the Board admit Ms. Cunningham *pro hac vice* in this proceeding.

Respectfully submitted,

Date: October 27, 2023

/Vincent J. Galluzzo/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 27, 2023, a true and correct copy of the foregoing Petitioners' Unopposed Motion for *Pro Hac Vice* Admission of Nicole S. Cunningham was served by electronic mail on the following email address:

MetromIPR@mcandrews-ip.com

Respectfully submitted,

Dated: October 27, 2023

By: /Vincent J. Galluzzo/

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